

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:05CV57
(1:02CR45-8)

RICHARD RAY HUGHES,)
)
 Petitioner,)
)
 Vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on the Petitioner's motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct sentence.

Attached to the Petitioner's motion are the affidavits of the Petitioner and his wife, Angela Johnson Hughes, which are offered as support for the Petitioner's allegation that he received ineffective assistance of counsel during the criminal proceedings against him. After review of the Petitioner's motion and supporting affidavits, the Court finds that an affidavit from Petitioner's trial counsel, Gregory A. Newman, is required.

IT IS, THEREFORE, ORDERED that the Clerk provide a copy of the Petitioner's § 2255 motion and supporting affidavits to the Respondent forthwith.

IT IS FURTHER ORDERED that the Respondent obtain an affidavit from Gregory A. Newman that addresses the allegations contained in the affidavits of Petitioner and his wife, Angela Johnson Hughes, and that such affidavit be filed with the Court and furnished to the Petitioner and his attorney on or before 30 days from entry of this Order.

Signed: July 31, 2006



Lacy H. Thornburg
United States District Judge

